

REMARKS

Claims 1, 5-12, 20 and 24-34 are pending in the above-referenced patent application. Claims 1 and 20 have been amended. No new matter has been added.

In the Office Action, the Examiner has rejected claims 1, 5-8, 11-12 and 20 under 35 U.S.C. §112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner further states that in "claim 5, it is not clear what "pivotally coupled" encompasses."

The term "pivotally coupled" is not present in claim 5, which reads:

"5. A shaving system according to claim 1, wherein said first biasing means presents a greater resistance to movement in response to an applied shaving force than the second biasing means."

Accordingly, reconsideration of the Examiner's section 112 rejection of claim 5 is requested. The term "pivotally coupled" does appear in claims 1 and 20. Applicants have amended these claims to remove the term "pivotally coupled" and replace it with "coupled." Applicants believe that these amendments address the issue raised by the Examiner and respectfully request withdrawal of the section 112 rejection.

The Examiner has rejected claims 1, 5-8, 10-12, 20, and 24-34 under 35 U.S.C. section 103(a) as allegedly being unpatentable over United States Patent No. 3,935,639 (hereinafter referred to as the '639 patent) to Terry, et al. in view of United States Patent No. 6,442,850 to Coffin (hereinafter referred to as the '850 patent). In the Office Action, the Examiner correctly recognizes that the '850 patent has a common assignee with the instant application. The Examiner goes on to state that, "Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e)."

Statement of Common Ownership

The instant patent application, United States Serial Number 09/820,378 and United States Patent Number 6,442,850 were at the time the invention of United States Patent Application Serial Number 09/820,378 commonly owned by Eveready Battery Company, Inc.

Based on the statement of common ownership and in accordance with MPEP section 706.02(1)(2) the '850 patent should be disqualified from use as a reference in a rejection under 35 U.S.C. section 103(a) against the claims of the instant application. Accordingly, applicants request that the Examiner withdraw the section 103 rejection.

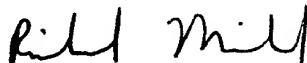
Applicants acknowledge the Examiner's statement that claim 9 of the current application would be allowable if rewritten to overcome the section 112 rejection and to includes all of the limitations of the base claim and any intervening claims. However, for at least the reasons set forth herein, applicants submit that all of the pending claims are now in condition for allowance and an early action to that effect is earnestly solicited.

Should any matter remain unresolved upon the filing of this amendment, Applicants request that the Examiner contact Applicants representative at the number set forth below.

A check for \$1020.00 is enclosed herewith for a three-month extension of time. While Applicants believe no further fees are due upon filing this amendment, please charge any deficiencies in fees to deposit account number 503342.

Respectfully submitted,

By



Richard R. Michaud
Registration No. 40,088
Attorney for Applicants

Michaud-Duffy Group LLP
306 Industrial Park Road, Suite 206
Middletown, CT 06457-1532
Tel: (860) 632-7200
Fax: (860) 632-8269